

Adopted	Rejected
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## COMMITTEE REPORT

YES:	14
NO:	8

### MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1835, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 18, between lines 41 and 42, begin a new paragraph and insert:
- 2 "Sec. 6. "Gaming agent" means an individual described in
- 3 IC 4-33-4.5."
- 4 Page 18, line 42, delete "6." and insert "7."
- 5 Page 19, line 2, delete "7." and insert "8."
- 6 Page 19, line 4, delete "8." and insert "9."
- 7 Page 19, line 6, delete "9." and insert "10."
- 8 Page 19, line 35, delete "Adopt appropriate standards for" and insert
- 9 "Approve".
- 10 Page 20, between lines 7 and 8, begin a new paragraph and insert:
- 11 "Sec. 4. The commission shall be present through the
- 12 commission's gaming agents during the time gambling games are
- 13 being conducted at a racetrack to do the following:
- 14 (1) Certify the revenue received by a racetrack from gambling
- 15 games.
- 16 (2) Receive complaints from the public concerning the

operation of gambling games.

(3) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

**Sec. 5.** The commission shall employ gaming agents to perform duties imposed by this article. A licensee shall, under rules adopted by the commission under IC 4-22-2, reimburse the commission for:

(1) training expenses incurred to train gaming agents;

(2) salaries and other expenses of staff required to support the gaming agents; and

(3) salaries and other expenses of the gaming agents required to be present during the time gambling games are being conducted at a racetrack."

Page 20, line 8, delete "4." and insert "6."

Page 27, line 5, delete "twenty percent (20%)" and insert "five percent (5%)".

Page 27, line 9, delete "twenty percent (20%)" and insert "five percent (5%)".

Page 27, between lines 11 and 12, begin a new line block indented and insert:

**"(3) An amount equal to fifteen percent (15%) of the tax revenue remitted under this chapter in the previous month to the local revenue sharing fund established under section 9 of this chapter."**

Page 27, line 12, delete "(3)" and insert "(4)".

Page 28, between lines 14 and 15, begin a new paragraph and insert:

**"Sec. 9. (a) The local revenue sharing fund is established. The revenue sharing fund shall be administered by the treasurer of state. Money in the local revenue sharing fund does not revert to the state general fund at the end of a state fiscal year.**

**(b) Money transferred to the local revenue sharing fund under section 5 of this chapter must be distributed to cities, counties, and towns in the same manner as the revenue sharing provided for under IC 4-33-13-5(e).**

**(c) Money received under this section may be used in the same manner as money received under IC 4-33-13-5(e).**

**(d) Money in the local revenue sharing fund is appropriated continuously for the purposes of this section."**

Page 30, between lines 41 and 42, begin a new paragraph and insert:

**"Chapter 11. Minority and Women's Business Participation**

**Sec. 1. This chapter applies to persons holding a permit to operate a racetrack under IC 4-31-5 at which slot machines are licensed under this article.**

**Sec. 2. The general assembly declares that it is essential for minority and women's business enterprises to have the opportunity for full participation in the racetrack industry if minority and women's business enterprises are to obtain social and economic parity and if the economies of the cities, towns, and counties in which slot machines are operated at racetracks are to be stimulated as contemplated by this article.**

**Sec. 3. As used in this chapter, "minority" means a person who is one (1) of the following:**

- (1) Black.**
- (2) Hispanic.**
- (3) Asian American.**
- (4) Native American or Alaskan native.**

**Sec. 4. As used in this chapter, "minority business enterprise" means a business that is one (1) of the following:**

- (1) A sole proprietorship owned and controlled by a minority.**
- (2) A partnership or joint venture owned and controlled by minorities and in which:**

**(A) at least fifty-one percent (51%) of the ownership interest is held by at least one (1) minority; and**

**(B) the management and daily business operations are controlled by at least one (1) minority who also holds an ownership interest.**

- (3) A corporation or other entity in which:**

**(A) at least fifty-one percent (51%) of:**

**(i) the ownership interest; or**

**(ii) the stock, if stock is issued;**

**is held by at least one (1) minority; and**

**(B) the management and daily business operations are controlled by at least one (1) minority who also holds an ownership interest or stock.**

**Sec. 5. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:**

1           **(1) A sole proprietorship owned and controlled by a woman.**

2           **(2) A partnership or joint venture owned and controlled by**  
 3           **women and in which:**

4               **(A) at least fifty-one percent (51%) of the ownership**  
 5               **interest is held by at least one (1) woman; and**

6               **(B) the management and daily business operations are**  
 7               **controlled by at least one (1) woman who also holds an**  
 8               **ownership interest.**

9           **(3) A corporation or other entity in which:**

10               **(A) at least fifty-one percent (51%) of:**

11                   **(i) the ownership interest; or**

12                   **(ii) the stock, if stock is issued;**

13               **is held by at least one (1) woman; and**

14               **(B) the management and daily business operations are**  
 15               **controlled by at least one (1) woman who also holds an**  
 16               **ownership interest or stock.**

17           **Sec. 6. (a) As used in this section, "goods and services" does not**  
 18           **include the following:**

19               **(1) Utilities and taxes.**

20               **(2) Financing costs, mortgages, loans, or other debt.**

21               **(3) Medical insurance.**

22               **(4) Fees and payments to a parent or an affiliated company of**  
 23               **a permit holder or other fees and payments for goods and**  
 24               **services supplied by nonaffiliated persons through an**  
 25               **affiliated company for the use or benefit of the permit holder.**

26               **(5) Rents paid for real property or payments constituting the**  
 27               **price of an interest in real property as a result of a real estate**  
 28               **transaction.**

29           **(b) Notwithstanding any law or rule to the contrary, a permit**  
 30           **holder shall establish goals of expending at least:**

31               **(1) fifteen percent (15%) of the dollar value of the permit**  
 32               **holder's contracts for goods and services with minority**  
 33               **business enterprises; and**

34               **(2) seven and one-half percent (7.5%) of the dollar value of**  
 35               **the permit holder's contracts for goods and services with**  
 36               **women's business enterprises.**

37           **(c) A permit holder shall submit quarterly reports to the**  
 38           **commission that outline the total dollar value of contracts awarded**

1 for goods and services and the percentage of contracts awarded to  
2 minority and women's business enterprises.

3 (d) A permit holder shall make a good faith effort to meet the  
4 requirements of this section and shall quarterly, unless otherwise  
5 directed by the commission, demonstrate to the commission at a  
6 public meeting that an effort was made to meet the requirements.

7 (e) A permit holder may fulfill not more than seventy percent  
8 (70%) of an obligation under this chapter by requiring a vendor to  
9 set aside a part of a contract for minority or women's business  
10 enterprises. Upon request, the permit holder shall provide the  
11 commission with proof of the amount of the set aside.

12 Sec. 7. If the commission determines that the provisions of this  
13 chapter relating to expenditures and assignments to minority and  
14 women's business enterprises have not been met, the commission  
15 may suspend, limit, or revoke the person's license or permit, or  
16 may fine or impose appropriate conditions on the license or permit  
17 to ensure that the goals for expenditures and assignments to  
18 minority and women's business enterprises are met. However, if a  
19 determination is made that a permit holder has failed to  
20 demonstrate compliance with this chapter, the person has ninety  
21 (90) days from the date of the determination of noncompliance to  
22 comply.

23 Sec. 8. The commission shall establish and administer a unified  
24 certification procedure for minority and women's business  
25 enterprises that do business with permit holders on contracts for  
26 goods and services or contracts for business.

27 Sec. 9. The commission shall supply permit holders with a list of  
28 minority and women's business enterprises the commission has  
29 certified under section 8 of this chapter. The commission shall  
30 review the list at least annually to determine the minority and  
31 women's business enterprises that should continue to be certified.  
32 The commission shall establish procedures for challenging the  
33 designation of a certified minority and women's business  
34 enterprise. The procedure must include proper notice and a  
35 hearing for all concerned parties.

36 Sec. 10. The commission shall adopt other rules necessary to  
37 interpret and implement this chapter."

38 Page 31, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 16. IC 7.1-3-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The commission may issue ~~an excursion and adjacent landsite~~ **a gaming site** permit to a person who has been issued:

- (1) a riverboat owner's license under IC 4-33-6; ~~or~~
- (2) an operating agent ~~(as defined in IC 4-33-2-14.5)~~ **contract under IC 4-33-6.5; or**
- (3) **a gambling game license under IC 4-35;**

to sell alcoholic beverages for on-premises consumption only. The permit may be a single permit even though more than one (1) area constitutes the licensed premises of the permit.

(b) A permit issued under this chapter may be used:

- (1) on the riverboat; and
- (2) in a restaurant owned by the person who has been issued a riverboat owner's license or an operating agent contract (as defined in IC 4-33-2-14.6) if the restaurant is located on property adjacent to the property used by the riverboat for docking purposes.

SECTION 17. IC 7.1-3-17.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The commission shall issue ~~an excursion and adjacent landsite~~ **a gaming site** permit without regard to the quota provisions of IC 7.1-3-22.

SECTION 18. IC 7.1-3-17.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. ~~An excursion adjacent landsite~~ **A gaming site** permit is not subject to the fee limitations otherwise set forth in IC 7.1.

SECTION 19. IC 7.1-3-17.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission may adopt emergency rules under IC 4-22-2-37.1 concerning the following for ~~an excursion and adjacent landsite~~ **a gaming site** permit:

- (1) Issuance.
- (2) Scope.
- (3) Permit fee.
- (4) Expiration.
- (5) Revocation and suspension.

SECTION 20. IC 7.1-3-17.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The commission may adopt rules under IC 4-22-2 concerning the following for ~~an excursion~~

1        ~~permit and an adjacent landsite~~ **a gaming site** permit:

- 2            (1) Issuance.
- 3            (2) Scope.
- 4            (3) Permit fee.
- 5            (4) Expiration.
- 6            (5) Revocation and suspension.

7        SECTION 21. IC 7.1-3-17.5-6 IS AMENDED TO READ AS  
 8        FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Notwithstanding  
 9        IC 7.1-5-5-7, the holder of ~~an excursion and adjacent landsite~~ **a gaming**  
 10       **site** permit may, subject to the approval of the commission, provide  
 11       alcoholic beverages to guests without charge at an event on the  
 12       licensed premises if all the following requirements are met:

- 13            (1) The event is attended by not more than six hundred fifty (650)  
 14            guests.
- 15            (2) The event is not more than six (6) hours in duration.
- 16            (3) Each alcoholic beverage dispensed to a guest:  
 17                    (A) is entered into a cash register that records and itemizes on  
 18                    the cash register tape each alcoholic beverage dispensed; and  
 19                    (B) is entered into a cash register as a sale and at the same  
 20                    price that is charged to the general public.
- 21            (4) At the conclusion of the event, all alcoholic beverages  
 22            recorded on the cash register tape are paid by the holder of the  
 23            ~~excursion and adjacent landsite~~ **gaming site** permit.
- 24            (5) All records of the alcoholic beverage sales, including the cash  
 25            register tape, shall be maintained by the holder of the ~~excursion~~  
 26            ~~and adjacent landsite~~ **gaming site** permit for not less than two (2)  
 27            years.
- 28            (6) The holder of the ~~excursion and adjacent landsite~~ **gaming site**  
 29            permit complies with the rules of the commission.

30        SECTION 22. IC 7.1-3-17.7-1 IS AMENDED TO READ AS  
 31        FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) **Except as**  
 32        **provided in subsection (c)**, the commission may issue a horse track  
 33        permit to a person who has been issued a recognized meeting permit  
 34        under IC 4-31-5 to sell alcoholic beverages for on-premises  
 35        consumption only. The permit may be a single permit even though  
 36        more than one (1) area constitutes the licensed premises of the permit.

37            (b) The commission may issue a satellite facility permit to a person  
 38        who has been issued a satellite facility license under IC 4-31-5.5 to sell

1 alcoholic beverages for on-premises consumption only.

2 **(c) This chapter does not apply to a slot machine facility licensed**  
 3 **under IC 4-35.**

4 SECTION 23. IC 7.1-3-21-6 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The provisions  
 6 of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail and dealer  
 7 partnerships, corporations, limited partnerships, and limited liability  
 8 companies shall not apply to the issuance of:

- 9 (1) a dining car permit;
- 10 (2) a boat permit;
- 11 (3) a drug store permit;
- 12 (4) a grocery store permit;
- 13 (5) a hotel permit;
- 14 (6) an airplane permit;
- 15 (7) ~~an excursion and adjacent landsite~~ a gaming site permit;
- 16 (8) a horse track permit;
- 17 (9) a satellite facility permit; or
- 18 (10) a retail permit to an establishment:
  - 19 (A) that is sufficiently served by adequate law enforcement at
  - 20 its permit location; and
  - 21 (B) whose annual gross food sales at the permit location:
    - 22 (i) exceed one hundred thousand dollars (\$100,000); or
    - 23 (ii) in the case of a new application and as proved by the
    - 24 applicant to the local board and the commission, will exceed
    - 25 two hundred thousand dollars (\$200,000) by the end of the
    - 26 two (2) year period from the date of the issuance of the
    - 27 permit.

28 (b) The commission shall not issue a permit listed in subsection (a)  
 29 to a foreign:

- 30 (1) corporation;
- 31 (2) limited partnership; or
- 32 (3) limited liability company;

33 that is not duly qualified to do business in Indiana.

34 SECTION 24. IC 7.1-5-5-7, AS AMENDED BY P.L.224-2005,  
 35 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2007]: Sec. 7. (a) It is unlawful for a permittee in a sale or  
 37 contract to sell alcoholic beverages to discriminate between purchasers  
 38 by granting a price, discount, allowance, or service charge which is not



1 available to all purchasers at the same time. However, this section does  
 2 not authorize or require a permittee to sell to a person to whom the  
 3 permittee is not authorized to sell under this title.

4 (b) A premises that operates at least two (2) restaurants that are  
 5 separate and distinct from each other on the same premises may  
 6 provide for a different schedule of prices in each restaurant if each  
 7 restaurant conforms to all other laws and rules of the commission  
 8 regarding pricing and price discrimination in its separate and distinct  
 9 areas.

10 (c) This section does not apply to the holder of ~~an excursion and~~  
 11 ~~adjacent landsite~~ **a gaming site** permit that complies with  
 12 IC 7.1-3-17.5-6.

13 (d) Notwithstanding subsection (a), a beer wholesaler may offer a  
 14 special discount price to a beer dealer or beer retailer for beer or  
 15 flavored malt beverage, if the beer or flavored malt beverage:

16 (1) is a brand or package the beer wholesaler has discontinued; or

17 (2) will expire in not more than:

18 (A) twenty (20) days for packaged beer or packaged flavored  
 19 malt beverage; and

20 (B) ten (10) days for draft beer or draft flavored malt beverage.

21 (e) The special discount under subsection (d) only applies to beer or  
 22 flavored malt beverage that will expire and be subject to removal from  
 23 retailer or dealer shelves in accordance with the primary source of  
 24 supply's coding data clearly identified on the container.

25 (f) Any beer or flavored malt beverage sold at a special discount  
 26 price under subsection (d) shall be accompanied by an invoice clearly  
 27 designating, in addition to all other information required by law, all the  
 28 following information:

29 (1) The date of delivery.

30 (2) The expiration date of each brand, package type, and quantity  
 31 delivered.

32 (3) The per unit price for each package."

- 1       Page 32, line 15, delete "eighteen (18) months." and insert
- 2       **"twenty-four (24) months."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1835 as printed February 16, 2007.)

**and when so amended that said bill do pass.**

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Representative Crawford